

Notice of Allowability

Application No.

09/980,489

Examiner

Hoang-Vu A. Nguyen-Ba

Applicant(s)

LIGGESMEYER, PETER

Art Unit

2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 12/27/04.
2. ☒ The allowed claim(s) is/are 18-23 and 25-32.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 3/7/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Hoang-Vu A. Nguyen-Ba

**ANTONY NGUYEN-BA
PRIMARY EXAMINER**

EXAMINER'S AMENDMENT

1. This action is responsive to amendment filed December 27, 2004.
2. Claims 18-23 and 25-32 are pending.

Response to Amendments

3. Per Applicants' request, claims 17 and 24 have been canceled; new claim 32 has been added.

4. The Examiner acknowledges receipt of the Information Disclosure Statement filed March 7, 2005 in response to the Examiner's request in the previous Office action. It has been placed in the application file and the information referred to therein (i.e., the English-language equivalent to References AQ and AR) has been considered. It is noted that the English translation of Reference AP is however not available.

5. The proposed drawing corrections are approved by the Examiner.

The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

6. In view of Applicants' amendments to the identified claims in the previous Office action, the rejection of these claims under 35 U.S.C. § 112, second paragraph as being indefinite is withdrawn.

7. Applicant's arguments, see Remarks, pp. 10-11, filed December 27, 2004, with respect to claims 18-23 and 25-32 have been fully considered and are persuasive. The rejection of these claims under 35 U.S.C. § 102(b) as being anticipated by APA has been withdrawn.

Examiner's Amendment

8. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Richard Gollhofer, Reg. No. 31,106, on May 3, 2005.

The application has been amended as follows:

Claim 32: in line 2, replace "processor" with – computer – before "alters the overall fault tree".

Examiner's Statement of Reasons for Allowance

9. The following is an examiner's statement of reasons for allowance:

The Examiner agrees with Applicants that neither Applicants' admitted prior art (APA) nor References AM, AN, AO in IDS filed December 3, 2001 nor Reference AE filed March 7, 2005, when taken alone or in any combination, fail to teach the limitation *wherein the overall description is ascertained as an overall fault tree, and wherein said method further comprises altering the overall fault tree in terms of prescribable boundary conditions* (claims 22 and 29).

The APA Fault Tree Analysis (FTA) by International Electrotechnical Commission (IEC) (recent English-language equivalent to DIN 25424-1 and DIN 25424-2) teaches a deductive (top-down) method of analysis aimed at pinpointing the causes or combination of causes that can lead to the occurrence of a defined undesirable outcome. APA FTA, however, fails to specifically teach altering the overall fault tree in terms of prescribable boundary conditions.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

10. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Hoang-Vu A. Nguyen-Ba whose telephone number is (571) 272-3701. The Examiner can normally be reached on Tuesday-Friday, 7:15 – 17:45.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Tuan Dam can be reached at (571) 272-3695.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ANTONY NGUYEN-BA
PRIMARY EXAMINER

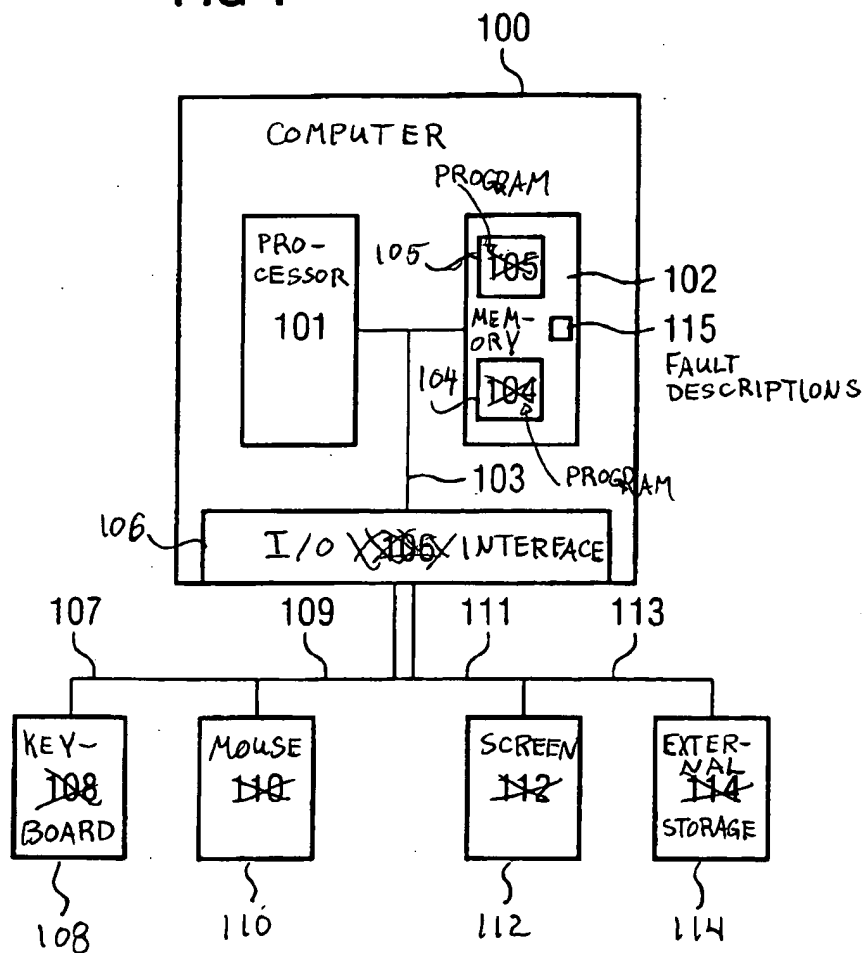
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May 4, 2005



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FIG 1



Approved by examiner Han 5/3/05



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FIG 2

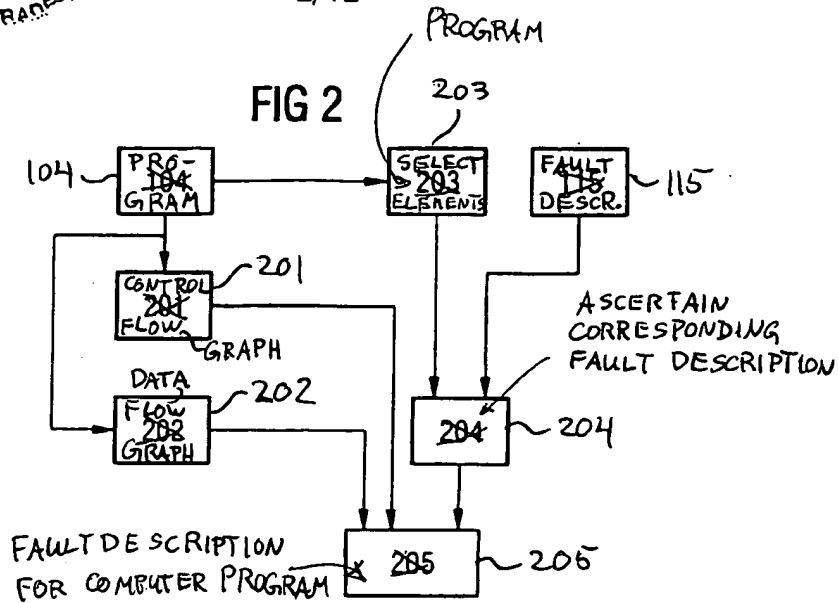
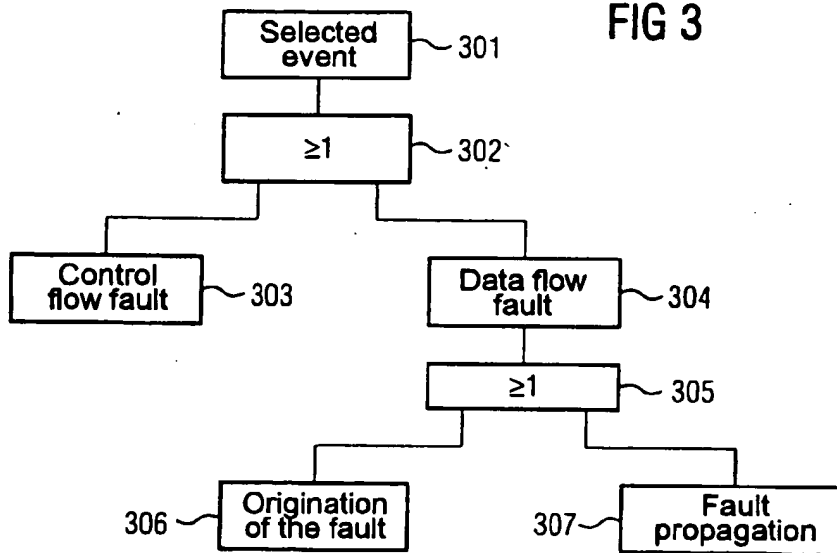


FIG 3



Approved by examiner 5/3/05